



ABRAHAM, FRUCHTER &amp; TWERSKY, LLP

## MEMORANDUM ENDORSED

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April 24, 2015

Via ECF

Honorable Gregory H. Woods  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2260  
New York, NY 10007

Re: *Olagues v. Icahn, et al.*  
Nos. 1:15-cv-00898-GHW, 1:15-cv-02476-GHW, 1:15-cv-02478-GHW

Dear Judge Woods:

We write on behalf of all parties in the above-referenced matters to respectfully request an adjournment of the May 13, 2015 initial pretrial conference. This request is sought in order to conserve resources for the Court and the parties and in light of a scheduling conflict that exists for counsel for the Defendants (the "Icahn Defendants") other than the Issuing Companies. This is the first request for an adjournment.

On April 1 and 2, 2015, the Icahn Defendants were served with a Notice of a Lawsuit and a Waiver of the Service of Summons which they have signed and returned. Defendants have 60 days from the date they were served with the Waiver of the Service of Summons to answer or otherwise respond to the Complaint (a deadline of May 31 and June 1, 2015, respectively). Plaintiff has granted the Issuer Defendants, who were served by process server, an extension of time to respond to the respective complaints until that time as well. As currently scheduled, the initial pretrial conference would occur weeks before Defendants are obligated to respond to the Complaint.

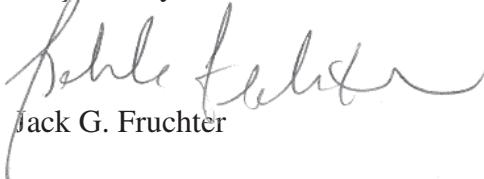
The parties in the Herbalife action have also agreed to the filing of a Second Amended Complaint and following that filing counsel for the Icahn Defendants presently intends to request leave from the Court to move to dismiss the three operative complaints in the above-referenced matters.

In light of these circumstances, we respectfully request that the Court adjourn the initial pretrial conference until after resolution of the anticipated motions to dismiss. If such motions are not filed, the case management conferences may be scheduled following the filing of responsive pleadings. Therefore, the parties respectfully submit that the requested adjournment is in the interest of judicial economy, and will allow for a more orderly consideration of the matters to be discussed at the initial pre-trial conference.

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The parties are available at Your Honor's convenience to discuss this matter.

Respectfully,

  
Jack G. Fruchter

cc: Counsel for all Parties (via email)

Application granted in part and denied in part.

The initial pretrial conference currently scheduled for May 13, 2015 is adjourned to May 27, 2015 at 4:30 p.m. As required by the Court's Notice of Initial Pretrial Conference, the parties must submit their joint letter and proposed case management plan at least one week in advance of the conference.

SO ORDERED.

Dated: May 6, 2015  
New York, New York

  
GREGORY H. WOODS  
United States District Judge